

LATONIA SMITH  
 9748 CANYON LANDING AVE.  
 LAS VEGAS, NV 89166  
 725-203-2455  
 PLAINTIFF IN PROPER PERSON

UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA

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OCT 15 2019	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY:	DEPUTY

LATONIA SMITH,

Plaintiff(s),

-vs-

CASE NO. 2:19-CV-00856-GMN-NJK

CAESARS ENTERTAINMENT  
 CORPORATION, a Delaware corporation;  
 PHWLTV, LLC d/b/a PLANET HOLLYWOOD  
 RESORT AND CASINO, a Nevada limited  
 liability company; SHANNON PIERCE;  
 ETHAN THOMAS

Defendant(s).

**EXPEDITED HEARING  
 REQUESTED**

**MOTION TO EXPEDITE HEARING ON PLAINTIFF'S MOTION TO  
 REMAND/EXTRADITE ACTION TO STATE COURT  
MEMORANDUM OF POINTS AND AUTHORITIES**

The Court took issue with Plaintiff's motion being categorized as an "emergency" because of some robotic rules that allow them to consider whether or not something is an emergency. The Court stated that they do not see the motion as an emergency, which is not a surprise (of course they don't because they are aiding defendants as they always have been). Nevertheless, Plaintiff files a "regular" motion in addition to the emergency motion, for the record.

1 Also, if the Plaintiff's motion was actually read, it would have been clear that the  
2 Plaintiff stated the Court is allowing defendants time to delete and alter  
3 evidence/testimony, which is a fact (and Plaintiff stated Rule 1 allows for speedy  
4 determination except for where stated in rule 81) (emphasis added). The Court's jump  
5 to attacking the Plaintiff by stating that she can't produce any evidence of such, only  
6 highlights their own guilt. Despite the previous facts, the point of Plaintiff's motion was  
7 not addressed, which is that the Court has, unjustly, held Plaintiff's case captive for four  
8 months. There is only one issue surrounding the motion to remand and that has to do  
9 with Plaintiff's cause of action concerning CEC/PHWLV's ban. It is clear that Plaintiff  
10 brought the cause of action specifically due to state statutes (three in specific). It makes  
11 absolutely no sense that the Court finds time to attack the Plaintiff about evidence and  
12 issue other rulings but cannot remand the action to the proper court. In fact, the only  
13 reasoning for such a drawn-out process is exactly what the Plaintiff stated in motion—  
14 aiding defendants. Patience with this Court is wearing thin.

15  
16 The following is a refiling:

17 It is clear that based on the legal standards in this district and the Ninth Circuit  
18 that this action has been improperly placed before this Court by defendants, and that is  
19 not this Court's fault. However, it is even more clear that the court is delaying remanding  
20 this action to aide defendants in their pending actions and prejudice Plaintiff by not  
21 allowing her to move forward with critical discovery in the proper court, and that is this  
22 Court's fault because the Court is now actively attempting to stall discovery and infringe  
23 on Plaintiff's rights to a just and speedy resolution of the case matters, which Plaintiff  
24 strongly believe are meritorious against defendants. The Court's aide of defendants has  
25 actually allowed defendants time to delete and alter evidence, unethically influence  
26 witness testimony, and continually impose and enact blatantly racist bans that should  
27 have no place in our society.  
28

1 On May 23, 2019, Plaintiff filed a motion to have this case remanded back to  
2 state court and for defendants to pay all fees associated with the remand on the basis  
3 that defendants improperly removed the case. Defendants cite that they moved for  
4 removal because the Plaintiff pleaded a federal cause of action, which is blatantly false.  
5 In fact, the claim in which defendants reference cite that the claim is specifically being  
6 brought pursuant to three state statutes which provide additional relief for Plaintiff under  
7 the statutes. The mere fact that Plaintiff mentions a federal statute that was also  
8 violated by defendants is not grounds for removal and a simple reading of the Plaintiff's  
9 suit make it clear that the Plaintiff had no intentions of having the case in federal court  
10 or pursuing any federal claims. As this is the only contention regarding whether or not  
11 the case should be before a Federal Court and case law/statutes already support that  
12 this case should be remanded, it is unacceptable that the Court has still chosen to  
13 imprison this suit in the Federal Court system for four months (and intends to imprison it  
14 for even longer).

16 The first rule of the Federal Rules of Civil Procedure state "these rules govern the  
17 procedure in all civil actions and proceedings in the United States district courts, except  
18 as stated in Rule 81. They should be construed, administered, and employed by the  
19 court and the parties to secure the just, speedy, and inexpensive determination of every  
20 action and proceeding." The notes of the advisory committee in the 1993 amendment to  
21 add the words "and administered" to the second sentence, recognized the affirmative  
22 duty of the court to exercise the authority conferred by these rules to ensure that civil  
23 litigation is resolved not only fairly, but also without undue cost or delay. In that regards,  
24 this Court has failed to adhere to the very first rule of Federal Civil Procedure by unduly  
25 delaying the remand of this action back to State court in which it was filed. For that  
26 reason, the Plaintiff moves on an emergency basis for this court to look at the single  
27 issue and make the determination for a remand (as it is clear that defendants'  
28

1 arguments concerning removal fail according to the Ninth Circuit and this district). The  
2 issue is not so extensive as to require that the court hold captive Plaintiff's lawsuit,  
3 frankly and respectfully. So, Plaintiff appreciates your time and attention to these  
4 important concerns and requests that this judicial body work to eliminate the biases  
5 which pervade it. *Will be filing a writ next (eyerd)*

6 Dated this 14th day of October 2019.

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8  
9 /s/ Latonia Smith  
10 LATONIA SMITH  
11 9748 CANYON LANDING  
12 AVE  
13 LAS VEGAS, NV 89166  
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**CERTIFICATE OF SERVICE**

I certify that I am serving a true and correct copy of the MOTION TO EXPEDITE  
HEARING ON PLAINTIFF'S MOTION TO REMAND/EXTRADITE ACTION TO STATE COURT  
on the parties set forth below by:

\_\_\_\_\_ placing an original or true copy thereof in a sealed envelope with the correct  
prepaid postage affixed for collection and mailing in the United States Mail, at  
Las Vegas, Nevada.

  X   Certified Mail, Return Receipt Requested of the document(s) listed above to the  
person(s) at the address(es) set forth below

\_\_\_\_\_ E-service

\_\_\_\_\_ Personal delivery through a process server of the document(s) listed above to  
the person(s) at the address(es) set forth below

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/s/ Latonia Smith

Plaintiff, In Proper Person

Dated this 14TH day of October 2019